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PATENT
Attorney Docket No. 17616-705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Sharkey et al.

Application No.: 08/714,987

Filed: September 17, 1996

Title: METHOD AND APPARATUS FOR CONTROLLED
CONTRACTION OF TISSUE



) PATENT APPLICATION

)
)
) Art Unit: 3739

)
) Examiner: D. Shay
)
)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

X This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- X (1) It is being filed within 3 months of the application filing date
-- OR --
— (2) It is being filed within 3 months of entry of a national stage
-- OR --
— (3) It is being filed before the mail date of the first Office Action on the merits.

— 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

— a certification as specified in §1.97(e) is provided below; or

— a fee of \$240.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

— 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; **and**

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

X *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 17616-705).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: 3/23/99

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APPENDIX

CONCISE STATEMENT OF RELEVANCE OF FOREIGN LANGUAGE REFERENCES

The Gerber article (Gerber et al., DER ORTHOPAED: Offene Laserchirurgie am Bewegungsapparat, Vol. 25, (1996) pp. 56-63) discloses open laser surgery on the locomotor apparatus. An English language abstract appears at page 57 of this reference.

The reference from the December 1989 edition of RoFo (Vorwerck et al., Laserablation des Nucleus Pulposus: Optische Eigenschaften von Degeneriertem Bandscheibengewebe im Wellenlängenbereich von 200 bis 2200nm, RöFo, Vol. 151 No. 6, (1989) pp. 725-728) discloses laser ablation of the nucleus pulposus. An English language abstract appears at page 725 of this reference.

The Kolarik article from the 1/90 edition of Zentralblatt Für Neurochirurgie discloses photonucleosis of intervertebral discs and its herniation. An English language abstract of this article appears at page 69 of this reference.

The Kolarik article from the 2/90 edition of Zentralblatt Für Neurochirurgie (Kolarik et al., Photonucleolysis of Intervertebral Disc and its Herniation, Vol. 51, (1990) pp. 69-71) discloses photonucleosis of intervertebral disc and its herniation. An English language abstract appears at page 69 of this reference.

The August 1992 edition of Der Orthopäde (Leu et al., DER ORTHOPAED: Endoskopie der Wirbelsäule: Minimal-invasive Therapie, Vol. 21, (1992) pp. 267-272) discloses spinal endoscopy as a minimally invasive therapy. An English language abstract appears at page 267 of this reference.

French patent 2645008 discloses a surgical instrument that is capable of treating the prostate. The instrument includes an electrode.